
Public Utilities Commission of the State of California

Results of Public Agenda 3152

Meeting Held on Thursday, May 5, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John Bohn

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, May 23, 2005 (San Francisco)	Thursday, May 26, 2005 (San Francisco)
Monday, June 13, 2005 (San Francisco)	Thursday, June 16, 2005 (San Francisco)
Monday, June 27, 2005 (San Francisco)	Thursday, June 30, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
(415) 703-2074 E-mail: public.advisor@cpuc.ca.gov



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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

1

Res TL- 19058

[4339]

Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

2

Res ALJ 176-3152

[4341]

Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

Outcome Approved (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

3

[4416]

R03-07-007 - Rulemaking on the Commission's own motion for the purpose of amending the Commission's Conflict of Interest Code.

This decision adopts amendments to the Commission's Conflict of Interest Code after further modifying the rules contained in the Order Instituting Investigation, as modified by D03-09-012. This proceeding is closed.

(Comr Brown - ALJ Grau)

Agenda 3151, Item 9 4/21/2005 (Staff)

Outcome Signed

D05-05-002

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

4

[4451]

A05-01-023 - Alliance for Retail Energy Markets (AReM).

This decision grants AReM's application for modification of Resolution E-3906 to allow for protests of Pacific Gas and Electric Company Advice Letter 2555-G-A/2521-E-A. This proceeding is closed.

(Exam Gallagher)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-003

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

5

[4453]

I04-08-021 - In the matter of the Order Instituting Investigation and Order to Show Cause on the Commission's own motion into the operations and practices of Warner Lee Fischer, an individual, Pacific Coast Moving & Storage, Inc., a Nevada corporation, its president, Warner Lee Fischer, and its Vice President, Philip Edward Dresser, Jr.

This decision denies the application with prejudice, imposes a fine \$40,000, imposes \$6,931.83 in costs, and requires restitution. This proceeding is closed.

(Comr Brown - ALJ Yacknin)

Outcome Signed

D05-05-004

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

6

[4454]

I01-04-002 - Order Instituting Investigation whether Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, and their respective holding companies, PG&E Corporation, Edison International, and Sempra Energy, respondents, have violated relevant statutes and Commission decisions, and whether changes should be made to rules, orders, and conditions pertaining to respondents' holding company system.

A87-05-007, A94-11-013, A95-10-024, A96-10-038 - Related matters. This decision closes these proceedings on the ground that the Commission does not find – and no party has indicated – that any issue pending in the proceedings requires current resolution. These proceedings are closed.

(Comr Brown - ALJ Thomas)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-005

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

7

[4461]

Res W-4531 - Mesa Crest Water Company (MCWC).

This resolution authorizes MCWC a general rate increase producing an additional annual revenue of \$70,682 or 8.4% in 2004 and an additional \$49,573 or 5.4% in 2005.

Agenda 3151, Item 17 4/21/2005 (Staff)

Outcome Held (5/26/05. Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

8

[4464]

I02-11-040 - Order Instituting Investigation into the gas market activities of Southern California Gas Company, San Diego Gas & Electric Company, Southwest Gas Company, Pacific Gas and Electric Company, and Southern California Edison Company and their impact on the gas price spikes experienced at the California border from March 2000 through May 2001.

Sempra Energy Trading Corporation (SET) has filed a motion asking the full Commission to reverse the rulings of the Law and Motion Administrative Law Judges requiring SET to provide certain discovery, pursuant to subpoenas duces tecum issued in this investigation, at its own expense. This decision denies the motion since the Commission generally disfavors interlocutory appeals of discovery issues except upon an extraordinary showing of good cause. The Commission has carefully reviewed SET's claims, but the required showing has not been made.

(Comr Brown - ALJ TerKeurst)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-006

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

9

[4507]

R98-07-038 - Rulemaking for the purposes of revising General Order 96-A regarding informal filings at the Commission.

This decision awards The Utility Reform Network \$29,773.94 in compensation for its contribution to D01-07-026, D02-01-038, and D05-01-032.

(Comr Kennedy - ALJ Koss)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-007

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

10

[4513]

Res W-4534 - Great Oaks Water Company.

This resolution approves Great Oaks Water Company's Advice Letter 169-W filed on April 8, 2005.

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

- 11**
[4514] **Res W-4533 - Del Oro Water Company (DOWC), Paradise Pines District.**
This resolution authorizes DOWC, Paradise Pines District a general rate increase producing additional annual revenue of \$97,540 or 7.07% in 2005.
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)
- 12**
[4519] **A04-11-013 - Pacific Gas and Electric Company.**
For an ex parte Order granting limited exemptions from the Affiliate Transaction Rules adopted in D97-12-088, as subsequently modified. This decision changes the Commission's preliminary determination from "ratesetting/no hearings," to "ratesetting/hearings."
(Comr Kennedy - ALJ Vieth)
Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)
D05-05-008
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (none)
Absent: (none)
- 13**
[4522] **Res T-16934 - SBC Advanced Solutions, Inc.**
This resolution approves an Interconnection Agreement between SBC Advanced Solutions, Inc. and Apex Telecom, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 29, filed February 7, 2005)
Outcome Approved
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)

14

[4555]

R03-03-017 - Order Instituting Rulemaking on the Commission's own motion to re-examine the underlying issues involved in the submetering discount for mobile home parks and to stay D01-08-040.

I03-03-018 - Related matters. This decision awards Latino Issues Forum \$28,960.15 in compensation for its contribution to D04-11-033. These proceedings are closed.

(Comr Brown - ALJ O'Donnell)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-009

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda

Energy Orders

15 **A02-03-047 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).**
[4319]

A02-03-048, A02-03-049 - Related matters. This decision specifies the contents of the applications that Pacific Gas and Electric Company, SDG&E, Southern California Edison Company and SoCalGas should file in seeking future funding for their Low Emission Vehicle programs. Decision 03-10-086 approved prior requests for LEV funding, but ordered a process to refine the contents of the foregoing utilities' applications. These proceedings are closed.

(Comr Brown - ALJ Thomas)

Agenda 3149, Item 14 3/17/2005 (Peevey);

Agenda 3151, Item 43 4/21/2005 (Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

15a **ALTERNATE TO ITEM 4319**
[4560]

A02-03-048, A02-03-049 - Related matters. This alternate decision adopts, with slight modifications, the recommendation of the Joint Parties concerning the Investor-Owned Utilities' Low Emission Vehicle programs. Furthermore, this alternate removes the distinction between "discretionary" and "mandatory" Low Emission Vehicles programs and directs the Investor-Owned Utilities to file all Low Emission Vehicle programs as part of their general rate case or cost of service proceedings.

(Comr Kennedy)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration. Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

D05-05-010

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

16

[4375]

R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standard Program.

This decision addresses the issue of the participation of renewable distributed generation (DG) in the Renewable Portfolio Standards (RPS) program, and spells out the general principles that will guide that participation particularly regarding Renewable Energy Credits (RECs). The decision finds that the owner of the renewable DG facilities own the RECs associated with the generation of electricity from those facilities, those RECs may be used to satisfy the utilities' RPS targets, and the RECs stay bundled with the associated electricity.

(Comr Peevey - ALJ Allen)

Agenda 3150, Item 37 4/7/2005 (Staff);

Agenda 3151, Item 45 4/21/2005 (Staff)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration. Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

D05-05-011

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

17

[4494]

A05-02-029 - Southern California Edison Company (SCE).

This decision approves, with modifications, SCE's proposal for incremental energy efficiency programs for Summer 2005. This proceeding is closed.

(Comr Kennedy - ALJ Weissman)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

17a

[4496]

ALTERNATE TO ITEM 4494

Southern California Edison Company (SCE) filed a proposal to augment energy efficiency programs designed to reduce peak demand for the summer 2005. This alternate approves the incremental funding for which SCE originally sought approval. This alternate is different from the proposed decision in that it approves some programs the proposed decision rejected.

(Comr Kennedy)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-012

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

Energy Resolutions and Written Reports**18 Res E-3921 - Southern California Edison Company (SCE) and San Diego Gas & Electric Company (SDG&E).**
[4468]

This resolution approves, subject to modification, changes to new residential electric and gas line and service extension allowances, and monthly charges for unused capacity of line extensions for new non-residential customers of SCE and SDG&E per Rules 15 and 16. It also requires SCE and SDG&E to clarify and coordinate language in Rules 2, 15, 16 and associated rules, to explain how the monthly cost of ownership charge relates to the Cost of Service (COS) factor, which is used in the calculation of the allowances. SDG&E shall work with the Energy Division to revise the language of the Agreement for Extension and Construction of Overhead/Underground Electric and Gas Facilities. (SCE Advice Letter (AL) 1847-E, filed December 15, 2004 and SDG&E AL 1647-E/1494-G, filed December 20, 2004)

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunication Orders**19**

[4290]

R03-04-003 - Order Instituting Rulemaking on the Commission's own motion to comply with the mandates of Senate Bill 1563 regarding deployment of advanced telecommunications technologies.

This decision satisfies the requirements of Senate Bill 1563 (Ch. 674, Stats. 2002), which requires the Commission to develop a plan for encouraging the widespread availability and use of advanced communications infrastructure and to report its findings and recommendations to the Governor and the Legislature. This proceeding is closed.

(Comr Kennedy - ALJ Malcolm)

Agenda 3149, Item 44 3/17/2005 (Staff);

Agenda 3150, Item 43 4/7/2005 (Brown);

Agenda 3151, Item 53 4/21/2005 (Brown)

Outcome Signed (Comr. Brown reserves the right to file a dissent. Comr. Grueneich reserves the right to file a concurrence.)

D05-05-013

Yes: (Bohn, Grueneich, Kennedy, Peevey)

No: (Brown)

Abstain: (none)

Absent: (none)

19a

[4559]

ALTERNATE TO ITEM 4290

This is an Alternate Draft Decision authorizing an alternate version of the Broadband Report authored by Commissioner Kennedy. This version documents potential problems with broadband deployment as well as the benefits of widespread deployment. It does so without encouraging preemption by the federal government.

(Comr Brown)

Outcome Defeated

Yes: (Brown)

No: (Bohn, Grueneich, Kennedy, Peevey)

Abstain: (none)

Absent: (none)

20

[4378]

A04-05-039 - Lynch Telephone Corporation XI, Lynch Interactive Corporation, Brighton Communications Corporation, Cal-Ore Telephone Company and California-Oregon Telecommunications Corporation.

This decision grants conditional authority under Section 854 for Lynch Interactive Corporation to acquire indirect control of Cal-Ore Telephone Co. and Cal-Ore Long Distance. This proceeding is closed.

(Comr Brown - ALJ Kenney)

Agenda 3150, Item 46 4/7/2005 (Kennedy);

Agenda 3151, Item 54 4/21/2005 (Kennedy)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

20a

[4509]

ALTERNATE TO ITEM 4378

This alternate grants Lynch Interactive Corporation authority pursuant to Public Utilities Code §854(a) to acquire indirect control of Cal-Ore Telephone Company and Cal-Ore Long Distance, Inc., subject to six enumerated conditions. The alternate finds that the transfer of control subject to the specified conditions is in the public interest.

(Comr Kennedy)

Outcome Signed (Comr. Brown reserves the right to file a dissent.)

D05-05-014

Yes: (Grueneich, Kennedy, Peevey)

No: (Brown)

Abstain: (Bohn)

Absent: (none)

Water/Sewer Orders**21 A03-04-025 - San Gabriel Valley Water Company.**

[4317] For authority to implement a low income rate in its Los Angeles County Division in compliance with D02-10-058 in A01-10-028. This decision concludes consideration of low-income rate proposals.

This proceeding is closed.

(Comr Brown - ALJ Bushey)

Agenda 3149, Item 48 3/17/2005 (Peevey);

Agenda 3150, Item 49 4/7/2005 (Grueneich);

Agenda 3151, Item 56 4/21/2005 (Grueneich)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

21a ALTERNATE TO ITEM 4317

[4413] This alternate accepts San Gabriel Water Company's low-income rate relief program known as California Alternative Rates for Water, or CARW, for its Los Angeles District.

(Comr Peevey)

Agenda 3150, Item 49a 4/7/2005 (Grueneich);

Agenda 3151, Item 56a 4/21/2005 (Grueneich)

Outcome Signed

D05-05-015

Yes: (Grueneich, Kennedy, Peevey)

No: (Brown)

Abstain: (Bohn)

Absent: (none)

Legal Division Matters**22**

[4466]

Res L-316

Resolution L-316 authorizes the disclosure of records concerning a Consumer Protection and Safety Division, Safety and Reliability Branch, Utilities Safety Section investigation of an electric incident involving the facilities of the Southern California Edison Company in Yucca Valley, California on January 27, 2004, Incident No. E20040127-01.

Outcome Approved (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

23

[4564]

WC Docket No. 04-36 (FCC)

In the matter of IP-Enabled Services, WC Docket No. 04-36 (FCC). To consider filing comments in the FCC's rulemaking proceeding regarding IP-enabled services.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

24

[4565]

Res L-317

This Resolution would authorize the Commission's Executive Director to cancel, suspend or revoke the license of Household Goods Carriers whose principals have been convicted of misdemeanors involving the HHG statute or certain types of felonies; including burglary, robbery, fraud or intentional dishonesty for personal gain. The Consumer Protection and Safety Division would report information about criminal convictions to the Executive Director who would in turn take action with regard to the operating permit of the carrier. The Executive Director is authorized to act (without prior notice to the carrier) to revoke, suspend or cancel the carriers' license pursuant to PU Code 5285(d).

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

25

[4566]

Res L-318

This Resolution would authorize the Commission's Executive Director to cancel, suspend or revoke the license of Charter Party Carrier whose principals have been convicted of misdemeanors involving the Charter Party Carrier statute or certain categories felonies including robbery, larceny, burglary, fraud or intentional dishonesty. The Consumer Protection and Safety Division would report information about criminal convictions to the Executive Director who would in turn take action with regard to the operating permit of the carrier. The Executive Director is authorized to act without prior notice to the carrier to revoke, suspend or cancel the carriers' license pursuant to PU Code 5378(a)(3).

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Legislative Matters

- 26**
[4478] **AB 326 (Blakeslee)**
Telephone corporations: universal service.
Agenda 3151, Item 27 4/21/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 27**
[4492] **AB 736 (J. Horton)**
Public utilities: regulation.
Agenda 3151, Item 40 4/21/2005 (Staff)
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 28**
[4482] **AB 745 (Blakeslee)**
Public utilities: eminent domain.
Agenda 3151, Item 31 4/21/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 29**
[4548] **AB 746 (Blakeslee)**
Public utilities: billings.
Outcome Approved (Legislative Staff Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)

30

[4483]

AB 903 (De La Torre)

Cable television franchises.

Agenda 3151, Item 32 4/21/2005 (Staff)

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

31

[4539]

AB 962 (Nunez)

Railroad safety.

Outcome Approved (Legislative Staff Subcommittee Recommendation: Support with amendments.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

32

[4552]

AB 974 (Nunez)

Energy resources: PUC: transmission siting.

Outcome Approved (Legislative Staff Subcommittee Recommendation: Support.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

33

[4486]

AB 1009 (Richman)

Electricity: time-of-use pricing tariffs: real time metering.

Agenda 3151, Item 34 4/21/2005 (Staff)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

- 34**
[4530] **AB 1082 (Ruskin)**
Telecommunications: consumer protection.
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 35**
[4529] **AB 1274 (J. Horton)**
Telco: prepaid mobile telephone services.
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 36**
[4562] **AB 1380 (Gordon)**
Telco: new area codes.
Outcome Held (Voted 4-0 to withdraw previous position voted on 4/7/05, and held item to 5/26/05 for consideration of new position. Comr. Bohn abstained.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 37**
[4536] **AB 1383 (Pavley)**
Solar energy: Low-income Housing Development Revolving Loan Program.
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 38**
[4527] **AB 1458 (De La Torre)**
Telco: lease of state property for wireless facilities.
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

- 39**
[4538] **AB 1576 (Nunez)**
Electrical corporations: rates; repowering projects.
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 40**
[4544] **AB 1723 (La Malfa)**
Integrated energy policy report.
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 41**
[4543] **AB 1732 (La Malfa)**
Natural gas: Gas consumption Surcharge Fund.
Outcome Approved (Legislative Staff Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)
- 42**
[4553] **AB 1735 (U&C)**
Telco: telephone corps: surcharge.
Outcome Approved (Legislative Staff Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)
- 43**
[4534] **SB 15 (Escutia)**
Public Utilities Commission.
Outcome Approved (Legislative Staff Subcommittee Recommendation: Oppose.)
Yes: (Brown, Grueneich, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (Kennedy)

- 44**
[4531] **SB 204 (Bowen)**
Public Utilities Commission: State Energy Resources Conservation and Development Commission: commission - memberships.
Outcome Approved (Legislative Staff Subcommittee Recommendation: Oppose.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)
- 45**
[4485] **SB 386 (Campbell)**
PUC: inspection and audit of books & records.
Agenda 3151, Item 33 4/21/2005 (Staff)
Outcome Withdrawn
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 46**
[4526] **SB 396 (Battin)**
Telco: call pricing.
Outcome Approved (Legislative Staff Subcommittee Recommendation: Support.)
Yes: (Brown, Grueneich, Kennedy, Peevey)
No: (none)
Abstain: (Bohn)
Absent: (none)
- 47**
[4537] **SB 426 (Simitian)**
State Energy Resources Conservation.
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
- 48**
[4541] **SB 431 (Battin)**
Electricity: repowering of facilities.
Outcome Held (5/26/05.)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

49

[4542]

SB 580 (Escutia)

Public Utilities Commission: Low-income Oversight Board.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

50

[4491]

SB 608 (Escutia)

PUC: Division of Ratepayer Advocates: office of the public advisor.

Agenda 3151, Item 39 4/21/2005 (Staff)

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

51

[4540]

SB 769 (Simitian)

Energy Reliability and Affordability Act.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

52

[4535]

SB 1003 (Escutia)

Energy resources: liquefied natural gas terminals.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

53

[4545]

SB 1037 (Kehoe)

Energy efficiency.

Outcome Approved (Legislative Staff Subcommittee Recommendation: Support.)

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

54 **SB 1059 (Escutia)**
[4528] Electric transmission corridors.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

55 **SB 1068 (Escutia)**
[4546] Telco: consumer protection.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions**56**

[4518]

Director Richard Clark Report

Designation of Consumer Protection and Safety Division investigators authorized to exercise the limited powers of a peace officer within the scope of their duties as specified in Penal Code section 830.11 and Pub. Util. Code section 308.5. This matter will be presented before the Commission for discussion and action.

Outcome Approved

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal

58

[4276]

R03-09-006 - Conference with Legal Counsel – Application for Rehearing

Disposition of Application for Rehearing and/or Request for Stay of D04-12-056 filed by Southern California Edison Company (SCE), and/or Disposition of Application for Rehearing of D04-12-056 filed by the Pacific Gas and Electric Company (PG&E) and the San Diego Gas and Electric Company (SDG&E). D04-12-056 prohibits the use of 'reverse auctions' in energy utility construction contract bidding procedures, a practice in which bidders compete for contracts by lowering their bids until the lowest bid is accepted. D04-12-056 also requires respondent utilities to ensure the payment of prevailing wages by their construction contractors in all construction. SCE, PG&E, and SDG&E, respondent utilities, seek rehearing on allegations that latter provision of D04-12-056 is preempted by federal law, contrary to Commission Rules, and not supported by the record of the proceeding.

Agenda 3147, Item 48 2/10/2005 (Staff);

Agenda 3148, Item 42 2/24/2005 (Staff);

Agenda 3149, Item 53 3/17/2005 (Staff);

Agenda 3150, Item 72 4/7/2005 (Staff);

Agenda 3151, Item 64 4/21/2005 (Peevey)

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration.)

D05-05-016

Yes: (Brown, Grueneich, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

59

[4515]

C03-05-023 - Conference with Legal Counsel - Application for Rehearing

Disposition of Application for Rehearing of D05-01-034, filed by SBC of California and SBC Advanced Solutions (collectively SBC). In D04-05-006, the Commission denied a complaint against SBC, ruling that SBC did not unreasonably discriminate or otherwise violate applicable law by connecting SBC Internet Services (SBCIS) subscribers who dial 611 for DSL repair services directly to the SBCIS service center, while telling customers of unaffiliated ISPs to hang up and call their own ISP. D05-01-034 granted limited rehearing of that decision, and held that SBC's differential treatment of customers who call 611 due to questions or difficulty with DSL service constitutes unreasonable discrimination.

Outcome Held (5/26/05.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

60

[4521]

R01-09-001 - Conference with Legal Counsel - Application for Rehearing

I01-09-002 - Related matters. Disposition of Application for Rehearing of D04-09-061 filed by the SBC California. D04-09-061, among other things, orders the Commission's Office of Ratepayer Advocates to commence a comprehensive audit of SBC covering the years 2000 through 2003. The interim decision also orders SBC to reimburse ORA for the cost of consultants assisting with the staff audit and permits the utility to seek to recoup these costs in its annual Advice Letter requesting LE recovery for cost increases or decreases.

Outcome Signed

D05-05-017

Yes: (Brown, Grueneich, Peevey)

No: (none)

Abstain: (Bohn)

Absent: (Kennedy)

61

[4525]

A02-12-028 - Conference with Legal Counsel - Application for Rehearing

Disposition of application for rehearing of D04-12-015, filed by San Diego Gas & Electric Company. D04-12-015, in the Test Year 2004 Cost of Service proceeding for SDG&E, involves among other things, the calculation of SDG&E's share of San Onofre Nuclear Generating Station costs.

Outcome Signed (Comr. Bohn recused himself from this agenda item and was not part of the quorum in its consideration. Comr. Grueneich recused herself from this agenda item and was not part of the quorum in its consideration.)

D05-05-018

Yes: (Brown, Kennedy, Peevey)

No: (none)

Abstain: (none)

Absent: (none)

